## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**NEW PRIME, INC.** 

Plaintiff,

٧.

BRANDON BALCHUNE CONSTRUCTION COMPANY, et al.

3:14-CV-2410 (JUDGE MARIANI)

Defendants,

and

MIDLANTIC ENGINEERING, INC.

Additional Defendant.

<u>ORDER</u>

AND NOW, THIS \_\_\_\_\_ DAY OF MAY, 2017, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 193) for clear error and manifest injustice, IT IS HEREBY ORDERED THAT:

- 1. The R&R (Doc. 193) is **ADOPTED** for the reasons stated therein.
- Additional Defendant Midlantic Engineering, Inc.'s Motion to Dismiss Plaintiff's
   Second Amended Complaint (Doc. 160) is **DENIED** without prejudice to Midlantic
   reasserting its arguments in a later dispositive motion supported by a fully developed factual record.
- 3. In accordance with the Court's Order of March 3, 2017 (Doc. 190), any dispositive motions shall be filed within **30 days** of the date of this Order. If filing a motion for

summary judgment, counsel shall provide the Court with a courtesy copy of that motion, supporting brief, and all accompanying exhibits. Counsel for the non-moving party shall also provide a courtesy copy of the brief in opposition to the motion for summary judgment and all accompanying exhibits.

Robert D. Mariant

United States District Judge